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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,135	10/26/2005	Otto Weis	WEIS, O. ET AL 3 (PCT)	1256
25889	7590	05/04/2007		
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER BRAHAN, THOMAS J	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,135

Applicant(s)

WEIS ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.


Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Gene Crawford, can be reached at (571) 272-6911. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/27/07
Thomas J. Brahan
Primary Examiner
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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 2-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The new preamble in claim 11 is not understood. How is applicant considering the load control and transporting of the containers as "contactless"? Claim 1 had the inspection as contact-free, but not all of the load handling.
- In claim 11, line 9, it is unclear as to how applicant is considering the shield as being above the container. Shielding 16 and shielding 33 are off to the side of the containers, not above them.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

4. Claims 2-4, 6, 7 and 9-11, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bjorkholm in view of Watatani. Bjorkholm shows the basic claimed apparatus for contact-less cargo load inspection comprising:

- (a) a mobile platform (vertical supports 24 and 26 and horizontal beams 42a);
- (b) a crane device (boom arm 28) disposed laterally to or on top of the mobile platform (24/26/42a/42a) for transport of containers;
- (c) a radiation scanning device (source 14/detector 16) disposed on the mobile platform (24/26/42a/42a) for scanning containers;
- (d) a shield (movable hull 20a; see paragraph 0039, lines 10-12) movable above and along a container placed on the mobile platform; and
- (e) a traveling mechanism for moving the mobile platform (note the crane/platform move on rails 67a as to indicate to one of ordinary skill in the crane art that the crane includes a drive means).

Bjorkholm varies from claim 11 by not having the cargo containers placed on the deck (42a/42a) of the

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platform. Watatani shows a container loading and unloading method which includes placing the containers on similarly located decks (1, 12' and 12'') for temporary storage using an additional crane device (6). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the crane of Bjorkholm with an additional crane device and to form the deck (42a/42) as a platform for buffer storage, both as taught by Watatani. Portions of the vertical supports (24 and 26) are supports for the traveling mechanisms, as recited in claim 2. The platforms of Bjorkholm and Watatani have heights which clear the ground transportation vehicles for the containers, as recited in claim 3. Re claims 4 and 6, it further would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to have the crane device and the buffer storage deck assembled as first independently moving unit with the main container bridge crane as a second independently moving unit, as to have the mobile platform movable under the crossbeam of the container crane, as also taught by Watatani, see column 6, lines 20-22. The deck (42a/42a) of Bjorkholm has a pass through opening, at the scanning device, as recited in claim 7. Re claim 9, it would also have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the buffer platform with a conveyor, as also taught by Watatani at column 5, lines 29-37, to move the containers along the deck (42a/42a).

5. Claim 5, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bjorkholm in view of Watatani, as applied to claim 11, and further in view of Lucking et al. Bjorkholm, as modified, shows the basic claimed container crane, but varies from claim 5 by not using hydraulic cylinders to move the containers. Lucking et al shows a similar container handling system with cylinder lifting to prevent the containers from swaying during transfer, see column 1, lines 26-30. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the crane of Bjorkholm by using hydraulic cylinders to lift and move the containers, to prevent load sway, as taught by Lucking et al.

6. Claim 8, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bjorkholm in view of Watatani, as applied to claim 11, and further in view of Lucking et al. Bjorkholm, as modified, shows the basic claimed container crane, but varies from claim 8 by not having a sensor system or automatic control. Takehara et al shows a similar container handling system with electronic controls to avoid collisions, see column 11, lines 9-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the crane of Bjorkholm with sensor controls, to avoid collisions, as taught by Takehara et al.

7. Applicant's remarks in the amendment filed February 27, 2007, have been fully considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds, accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the